IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 4305 of 2006()

CRA.205/2003 of ADDL.SESSIONS COURT-II, KOZHIKODE
CC.1153/2001 of JUDL.MAGISTRATE OF FIRST CLASS, VADAKARA

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REVN. PETITIONER: APPELLANT/ACCUSED

C.K.RAGHAVAN, S/O. POKKAN
CHERUVANGATTUKUNIYIL HOUSE
ONCHEYAM, VADAKARA
KOZHIKODE DIST.

BY ADV. SRI.K.V.SOHAN

RESPONDENTS: RESPONDENT/COMPLAINANT& STATE

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1. P.K. LEELA
   W/O. DAMODARAN
   NISHA NIVAS, EDACHERI AMSOM DESOM
   THALAYI, KOZHIKODE DIST.

2. STATE OF KERALA
   REPRESENTED BY THE PUBLIC PROSECUTOR
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH
BY ADV. SRI.R.SUDHISH for R1

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 05/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No.4305 of 2006

Dated this the 5th day of December, 2006

ORDER

The petitioner was convicted for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a period of six months and to pay a sum of Rs.50,000/- as compensation under Section 357(3) of the Code of Criminal Procedure and in default of payment of compensation to undergo simple imprisonment for one month. The appellate court dismissed the appeal filed by the accused and confirmed the conviction and sentence.

Crl.M.A.No.12230/06 filed under Section 147 of the Negotiable Instruments Act for compounding the offence was allowed. Accordingly this Crl.R.P. is allowed, the conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

K.T.SANKARAN,
JUDGE

csl